(16)

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &
HON'BLE SHRI DILIP RAOSAHEB DESHMUKH, J.

Miscellaneous Appeal (C) No. 739 of 2007

APPELLANT : Bhushan Lal Jangde, aged about 49 years, son of Late Hari Prasad Jangde, resident of village Pamgarh, P.S. Pamgarh, Distt. Janjgir-Champa (C.G.)

VERSUS

RESPONDENTS :

1. Nanki alias Mahendra, son of Shri Janaki Prasad Bharatiya (Suryawanshi), aged about 20 years, resident of Pamgarh, P.S. Pamgarh, Distt. Janjgir-Champa (C.G.) (Driver of Hero Honda No. C.G. 11/6989)

2. Narendra Kumar Pandey, son of Shri Keshav Prasad Pandey, resident of Main Road Pamgarh, P.S. Pamgarh, Distt. Janjgir-Champa (C.G.) (Driver of Hero Honda No. C.G. 11/6989)

3. The Divisional Manager, the Oriental Insurance Company Limited, In front of High Court of C.G. Bilaspur (C.G.)

Miscellaneous Appeal under Section 173 of Motor Vehicle Act, 1988

Present : Ku. Deepali Ghosh, counsel for the appellant.

ORAL ORDER
(Passed on 09th July, 2007)

The following oral order of the Court was passed by **Dilip Raosaheb Deshmukh, J.**

Heard.

The only point urged by learned counsel for the appellant in this appeal for enhancement of compensation in an injury case is that the compensation of

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Rs. 1,25,000/- awarded by learned Motor Accident Claims Tribunal, Bilaspur (hereinafter referred to as 'the Tribunal') in Claim Case No. 25/2006 is too low.

Brief facts are that in the vehicular accident that occurred on 04-09-2003, the claimant/appellant suffered fracture of tibia and fibula on his left leg. Learned Tribunal recorded a finding that no permanent disability was caused to the claimant and the claimant/appellant had failed to produce the bills relating to actual expenses for his treatment.

Learned Tribunal despite these lacunas, has awarded a lump sum compensation of Rs.1,25,000/- to the claimant which appears to be on the higher side.

In the facts and circumstances, we are of the considered opinion that no ground is made out for any interference with the order passed by learned Tribunal. Accordingly, the appeal being devoid of merit is dismissed at the stage of admission itself.

Sd/-
Ag. Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

padma